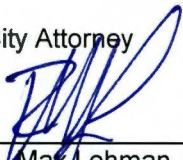

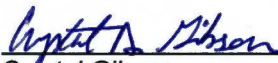




**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: February 9, 2017
Ordinance 8, 2017**

Subject/Agenda Item: An amendment to Chapter 79. Property Maintenance Standards. to provide internal consistency with the City Code of Ordinances and to further clarify maintenance and appearance standards for all structures and landscaping within the City.

Recommendation to APPROVE
 Recommendation to DENY

<p>Reviewed by:</p> <p>City Attorney  R. Max Lohman, Esq.</p> <p>Finance Administrator  Allan Owens</p>	<p>Originating Dept.: Community Services</p> <p> Crystal Gibson Neighborhood Services Director</p> <p>Advertised: N/A</p> <p>Date:</p> <p>Paper:</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>Costs: \$ <u>N/A</u> (Total)</p> <p>\$ <u>N/A</u> Current FY</p> <p>Funding Source: N/A</p>	<p>Council Action:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/ Conditions</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Continued to:</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 8, 2017
<p>Submitted by:</p> <p>Department Director</p> <p> David Reyes</p>	<p>Affected parties</p> <p><input type="checkbox"/> Notified</p> <p><input checked="" type="checkbox"/> Not required</p>	<p>Budget Acct.#: N/A</p>	
<p>Approved by:</p> <p>City Manager</p> <p> Ronald M. Ferris</p>			

BACKGROUND: This Ordinance amends Chapter 79. Property Maintenance Standards. to provide internal consistency with the City Code of Ordinances and to further clarify maintenance and appearance standards for all structures and landscaping within the City. Proposed clarification regarding maintenance and appearance standards within Sec. 79.5 include:

- The exterior of structures, including but not limited to, all fences, walls, screens, mailboxes, and similar enclosures shall be maintained in good condition.
- All surfaces requiring paint or which otherwise are protected from the elements shall be kept painted or protected and shall be free of peeling paint and/or mildew.
- All off-street parking shall be on asphalt, concrete, block, or other material approved by the city engineer or designee, and shall be maintained in good repair and shall be free from ruts, potholes, loose aggregate, and/or deterioration in compliance with the City Codes.
- All real property where exposed to public view shall be kept free of outdoor storage, including but not limited to, debris and accumulations of property, materials, and equipment. Outdoor storage where not exposed to public view shall be confined to the required rear or side yard setback between a building and an adjacent street or building and shall be maintained in a clean, neat, and presentable manner.
- All real property shall be maintained free of hazards, including but not limited to dead vegetation and loose and overhanging objects, including but not limited to loose and overhanging landscaping within a public right-of-way, public street or sidewalk, which by reason of location above ground level constitutes a danger of falling on persons or property in the vicinity thereof and/or impedes the movement of motor vehicles and/or pedestrians.
- All tree stumps shall be either ground down or removed and the natural grade of the land shall be restored and maintained.
- The addition of courtyards to the list of areas that shall be maintained.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 8, 2017 as presented on first reading.

ORDINANCE 8, 2017

1
2
3
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM
5 BEACH GARDENS, FLORIDA, AMENDING CHAPTER 79.
6 PROPERTY MAINTENANCE STANDARDS. AMENDING THE TITLE
7 OF SECTION 79-4. CODE ENFORCEMENT SPECIAL MASTER;
8 ALTERNATIVE MEANS OF ENFORCEMENT.; FURTHER
9 AMENDING SECTION 79-4. IN ORDER TO PROVIDE INTERNAL
10 CONSISTENCY WITH THE CITY CODE OF ORDINANCES;
11 FURTHER AMENDING SECTION 79-5. MAINTENANCE AND
12 APPEARANCE STANDARDS FOR ALL STRUCTURES AND
13 LANDSCAPING. IN ORDER TO AMEND THE REGULATIONS
14 REGARDING MAINTENANCE AND APPEARANCE STANDARDS
15 FOR ALL STRUCTURES AND LANDSCAPING WITHIN THE CITY;
16 AND AMENDING THE TITLE OF SECTION 79-6. RESPONSIBILITIES
17 OF OWNERS AND OPERATORS OF DWELLINGS, HOTEL UNITS,
18 AND ROOMING HOUSES FOR LET.; FURTHER AMENDING
19 SECTION 79-6. IN ORDER TO PROVIDE INTERNAL CONSISTENCY
20 WITH THE CITY CODE OF ORDINANCES; PROVIDING A
21 CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND
22 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND
23 FOR OTHER PURPOSES.
24
25

26 **WHEREAS**, Chapter 79. Property Maintenance. of the Code of Ordinances of the
27 City of Palm Beach Gardens contains regulations regarding the maintenance and
28 appearance of real property within the City; and
29

30 **WHEREAS**, the City Council of the City of Palm Beach Gardens has determined
31 that a need exists to amend and clarify the regulations that govern the maintenance and
32 appearance of real property the City in order to provide internal consistency with the City
33 Code of Ordinances; and
34

35 **WHEREAS**, the City Council deems approval of this Ordinance to be in the best
36 interest of the health, safety, and welfare of the residents and citizens of the City of Palm
37 Beach Gardens and the public at large.
38
39

40 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
41 **OF PALM BEACH GARDENS, FLORIDA** that:
42

43 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
44
45
46

1 **SECTION 2.** Chapter 79. Property Maintenance Standards. of the Code of
 2 Ordinances of the City of Palm Beach Gardens is hereby amended at Section 79-4. Code
 3 enforcement special master; alternative means of enforcement. by repealing Section 79-
 4 4. and readopting the same with amended title, as revised; providing that Section 79-4.
 5 shall hereafter read as follows:
 6

7 **Sec. 79-4. Code enforcement special master magistrate; alternative means of**
 8 **enforcement.**
 9

10 The City of Palm Beach Gardens Code Enforcement Special Master Magistrate,
 11 pursuant to its authority under Chapter 2 of the City of Palm Beach Gardens Code of
 12 Ordinances, and under Chapter 162, Florida Statutes, shall have jurisdiction to hear and
 13 decide cases in which violations of this Code are alleged; provided, however, that
 14 alternatively, the city may utilize the citation method of code enforcement or any other
 15 lawful means available, at its discretion.
 16

17 **SECTION 3.** Chapter 79. Property Maintenance Standards. of the Code of
 18 Ordinances of the City of Palm Beach Gardens is hereby amended at Section 79-5.
 19 Maintenance and appearance standards for all structures and landscaping. by repealing
 20 Section 79-5. and readopting same with amended title, as revised; providing that Section
 21 79-5. shall hereafter read as follows:
 22

23 **Sec. 79-5. Maintenance and appearance standards for all real property**
 24 **structures and landscaping.**
 25

26 (a) The owner and/or operator and/or occupant of all real propertyies within the city
 27 shall maintain ~~the exterior of all the premises structures and landscaping~~ in such a manner
 28 to conform with all city codes and ordinances; in order to avoid blighting influences on
 29 neighboring properties; and to avoid the creation of hazards to public health, safety, and
 30 welfare. Properties All real property, including all structures and landscaping, shall be
 31 maintained in accordance with the following standards:
 32

- 33 (1) ~~The exterior of all premises structures, including, but not limited to, all fences,~~
 34 walls, screens, mailboxes, and similar enclosures, and every structure thereon,
 35 ~~including all parts of the structure and appurtenances where exposed to public~~
 36 view, shall be maintained in good condition and shall ~~not show~~ free of evidence
 37 of deterioration, weathering, discoloration, ripping, tearing, or other holes or
 38 breaks. All screened enclosures shall be properly fitted and maintained in a good
 39 state of repair. All other surfaces shall be maintained free of broken glass,
 40 crumbling stone, brick, or stucco, or other conditions reflective of deterioration or
 41 inadequate maintenance.
 42
- 43 (2) All surfaces requiring paint or which are otherwise protected from the elements
 44 shall be kept painted or protected and shall be free of peeling paint and/or
 45 mildew. ~~Painted~~ All surfaces shall be maintained free of graffiti and void of any
 46 evidence of deterioration.

- 1 (3) All off-street parking spaces shall be on asphalt, concrete, block, ~~or other surface~~
 2 or other material approved by the city engineer or designee, and shall be smooth
 3 surfaced and maintained in good repair and shall be free from ruts, potholes,
 4 loose aggregate, and/or deterioration in compliance with the city codes.
- 5
- 6 (4) Only one principal color may be used on each structure, excluding those used to
 7 accent architectural features and/or trim, except where more than one principal
 8 color is expressly approved by a separate development order.
- 9
- 10 (5) ~~All Property adjacent to dwelling structures- real property~~ shall be kept free from
 11 ~~growth of weeds, rubbish, trash, and/or~~ other refuse, and all landscaping shall
 12 be maintained in good condition consistent with the requirements of section 78-
 13 329 of the Code of Ordinances. Provided, however, that the irrigation
 14 requirements of section 78-329 shall not be interpreted to require existing
 15 residential properties to install irrigation if such installation was not required at
 16 the time the property was developed.
- 17
- 18 (6) ~~The entire yard~~ All real property where exposed to public view ~~must~~ shall be kept
 19 free of outdoor storage, including, but not limited to, debris and accumulations of
 20 property, materials, and equipment, ~~which present an unsightly appearance from~~
 21 ~~usual vantage points on adjacent streets and properties.~~ Outdoor storage and
 22 ~~the area used for such storage shall be maintained in a clean, neat, and~~
 23 ~~presentable manner.~~ Outside Outdoor storage where not exposed to public view
 24 shall be confined to the required rear or side yard setback between a building
 25 and an adjacent street or building and shall be maintained in a clean, neat, and
 26 presentable manner.
- 27
- 28 (7) ~~The exterior premises~~ All real property shall be maintained so as to prevent the
 29 accumulation of stagnant water thereon.
- 30
- 31 (8) ~~The exterior premises~~ All real property shall ~~remain~~ be maintained free of
 32 hazards, ~~which include~~ including, but are not limited to, the following:
- 33
- 34 a. ~~Dead and dying trees, and limbs, and/or~~ vegetation.
- 35
- 36 b. ~~Loose and overhanging objects, including, but not limited to, loose and~~
 37 ~~overhanging landscaping within a public right-of-way, public street, or~~
 38 ~~sidewalk, which, by reason of location above ground level, constitute a~~
 39 ~~danger of falling on persons or property in the vicinity thereof and/or impede~~
 40 ~~the movement of motor vehicles and/or pedestrians.~~
the movement of motor vehicles and/or pedestrians.
- 41
- 42 c. Holes, excavations, breaks, projections, or obstructions.
- 43
- 44 d. Excretions of pets and/or other animals on paths, walks, driveways, parking
 45 lots, and parking areas, and/or other parts of the premises real property which
 46 are accessible to or used by persons on the premises real property.

1 e. Inadequate runoff drains for stormwater.

2
3 f. Sources of infestation of rodents, vermin, and/or other pests.

4
5 g. Tree stumps. All tree stumps shall be either ground down or removed, and
6 the natural grade of the land shall be restored and maintained.
7

8 (b) All Structures real property shall be kept in a clean and sanitary condition and in
9 a good state of repair, including all equipment, sanitary facilities, yards, courts,
10 courtyards, driveways, landscaping, lawns, and shrubbery. The owner and/or operator
11 and/or occupant shall prevent the infestation of rodents, vermin, and other pests within
12 the structure and on the real property he/she occupies or controls.

13
14 (c) The owner and/or operator and/or occupant shall prevent animals or pets from
15 creating an unsanitary condition or a nuisance on any premises real property in the
16 owner's, or operator's, and/or occupant's control.
17

18 (d) All R-repairs and installations shall be made so as to comply with the provisions
19 of the Florida Building Code and all other applicable regulations, laws, and/or codes. All
20 work shall proceed in a timely fashion and shall be done in a workmanlike manner.
21

22 **SECTION 4.** Chapter 79. Property Maintenance Standards. of the Code of
23 Ordinances of the City of Palm Beach Gardens is hereby amended at Section 79-6.
24 Responsibilities of owners and operators of dwellings, hotel units, and rooming houses
25 for let. by repealing Section 79-6. and readopting the same with amended title, as revised;
26 providing that Section 79-6 shall hereafter read as follows:
27

28 **Sec. 79-6. Responsibilities of owners and operators of dwellings, hotel units, and**
29 **rooming houses, and rooming units for let.**
30

31 The owner or operator of every dwelling unit, hotel unit, or rooming house, for let or
32 rooming units shall, jointly and severally:
33

- 34 (1) Be responsible for the sanitary and safe maintenance of the structure, including,
35 but not limited to, all equipment, furnishings, walls, floors, ceilings, and other
36 building parts, and the entire premises, including yards, courts, courtyards,
37 driveways, lawns, and shrubbery.
38
39 (2) Provide shades, draperies, or other devices or materials for all windows which,
40 when properly used, will afford privacy to the occupants of the unit.
41
42 (3) Be responsible for the prompt and sanitary disposal of all garbage and trash
43 through the use of approved mechanical equipment or by placing all garbage and
44 trash in required containers; and disposal of rubbish, garbage, lawn and
45 shrubbery cuttings, leaves, and other waste material as provided by applicable
46 law.

PASSED this ____ day of _____, 2017, upon first reading.

PASSED AND ADOPTED this ____ day of _____, 2017, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
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BY: _____	_____	_____	_____
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Marcie Tinsley, Mayor

Eric Jablin, Vice Mayor

Robert G. Premuroso, Councilmember

Maria Marino, Councilmember

Carl Woods, Councilmember

ATTEST:

BY: _____

Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

R. Max Lohman, City Attorney

